

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 22, 2017, at 6:00 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
Councilmembers

ABSENT:

DANIELLE TAGGER-EPSTEIN

The regular meeting convened at 6:01 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Councilman McCartney announced that the next Recreation Commission meeting to discuss a plan for Disbrow Park will be posted to the website soon.

Councilwoman Killian announced that there will be a luncheon for “Women who make a Difference” on September 26, 2017 at 11:30 A.M. to benefit the Osborn Foundation.

Mayor Sack stated that he received notification through the City Manager’s office that the City’s Traffic and Pedestrian Safety Committee was responsible for the City of Rye being named the 13th Safest City in America. He congratulated the Committee Chair, Brian Dempsey, and those on the committee for their hard work. He also reminded the community that there will be a 9/11 Commemoration Ceremony on September 11, 2017 at 5:30 P.M. at the Locust Avenue Firehouse. He also announced that there will be an informational workshop on the affordable housing project on Theodore Fremd on Saturday, August 26 from 1:30 to 2:30 P.M. at the Rye Free Reading Room.

Councilwoman Hurd Rye announced that there will be a Chamber of Commerce meeting on September 6, 2017 at 8:30 A.M. She was also happy to announce that the Boat Basin has had a great season. She stated that dredging will take place in the winter of 2019, which will hopefully help with low water levels. She also announced that the Landmarks Committee was trying to get a proposal together to discuss preserving the Benjamin Franklin Mile Marker 25. She also announced that on behalf of the Flood Advisory Committee, there will be a presentation on the sluice gate at the September 13, 2017 City Council meeting.

Mayor Sack expressed his condolences for Boat Basin Supervisor George Hogben's mother, Donna Hogben, longtime Rye resident, who recently passed away. There was a moment of silence.

4. Draft unapproved minutes of the regular meeting of the City Council held July 12, 2017 and the special meeting of the City Council held July 17, 2017.

Councilwoman Killian recommended a clerical spelling change to a residents' name.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes as amended.

5. Issues Update/Old Business.

Councilwoman Killian raised the issue of people parking on Osborn to get to the train station, which can be troublesome for Osborn School. Mayor Sack asked the City Manager to follow up on the issue with the Traffic and Pedestrian Safety Committee.

Councilman McCartney discussed the lawsuit on the employees involved with the FLSA case. As part of the settlement, the City will host a party for those employees who were affected by the suit.

6. Residents may be heard on matters for Council consideration that do not appear on the agenda.

Pat Levine, former Councilwoman and Rye resident, thanked the Council for their hard work. She stated she was representing the Milton Harbor House at the meeting. She said there were rumors circulating that the City Council might not support dredging at the Marina, and she wanted to get the facts correct. Mayor Sack responded that the Council did support the dredging and has discussed it for many years. There was discussion over funding of the dredging and budgeting for the future.

7. Authorization for the City Manager to enter into an agreement with Sive, Paget & Riesel, P.C. to represent the City in an appeal proceeding against Westchester County regarding Rye Playland.

Roll Call.

Corporation Counsel Wilson explained that the appeal for the suit against the County/Playland has been filed, but this resolution would allow Sive, Paget & Riesel, P.C. to perfect the appeal.

Councilman McCartney made a motion, seconded by Councilman Mecca, to authorize the City Manager to enter into an agreement with Sive, Paget & Riesel, P.C. to represent the City in an appeal proceeding against Westchester County regarding Rye Playland.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca
NAYS: Councilwoman Killian
ABSENT: Councilwoman Tagger-Epstein

8. Authorization for the City Manager to enter into an agreement with Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations.
Roll Call.

Mayor Sack explained that the City's franchise agreements will be expiring, and negotiations will begin soon for new franchise agreements. City Manager Serrano and Corporation Counsel Wilson recommended Best, Best & Krieger LLP to represent the City's interests in negotiations. Currently, Best, Best & Krieger are representing the Village of Scarsdale in similar negotiations.

There was discussion among the Council to move forward, as all other communities will be moving forward with an attorney who specializes in franchise agreements and telecommunications. Councilwoman Hurd felt the vote would be premature.

Mayor Sack put the vote off to September 13, 2017.

9. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Town of Scarsdale for the Board of Assessment Review of the City of Rye to hear a Tax Assessment Grievance for a property located in Scarsdale.
Roll Call.

City Manager Serrano explained that the Village of Scarsdale approached the City, asking to execute an Intermunicipal Agreement. The agreement was proposed due to a member of Scarsdale's the Board of Assessment Review filing of a grievance to her property assessment. To avoid a conflict of interest within a community, this type of agreement is routine and would allow the Scarsdale resident to be heard by the City of Rye Board of Assessment Review.

Councilman McCartney made a motion, seconded by Councilman Mecca, to authorize the following agreement with the Town of Scarsdale for the Board of Assessment

Review of the City of Rye to hear a Tax Assessment Grievance for a property located in Scarsdale:

AGREEMENT PURSUANT TO SECTION 523 OF THE NEW YORK STATE REAL PROPERTY TAX LAW BETWEEN THE CITY OF RYE AND THE TOWN OF SCARSDALE FOR THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF RYE TO HEAR TAX ASSESSMENT GRIEVANCE FILED BY A CURRENT MEMBER OF THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF SCARSDALE

THIS AGREEMENT (the “Agreement”) is made this ____ day of _____ 2017, by and between the City of Rye (“Rye”), a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at 1051 Boston Post Road, Rye, New York, and the Town of Scarsdale (“Scarsdale”), a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at 1001 Post Road, Scarsdale, New York with regard to the hearing and determination of an assessment challenge filed by a current member of the Scarsdale Board of Assessment Review.

WHEREAS, a member of the Board of Assessment review has a direct or indirect interest in a property for which a complaint has been filed and New York State Real Property Tax Law § 523 authorizes the execution of inter-municipal agreement with another municipality in the county to permit the hearing of the complaint in the other municipality, and;

WHEREAS, Jane C. Curley, a Scarsdale resident was appointed and has served as a member of the Town of Scarsdale Board of Assessment Review since July, 2016, and;

WHEREAS, Jane C. Curley filed a complaint to challenge the 2017 tentative assessment for the property she owns, located at 7 Hamilton Road, Scarsdale, New York (“property”), and;

WHEREAS, pursuant to New York State Real Property Tax Law § 523, Jane C. Curley, in her role as a member of the Town of Scarsdale Board of Assessment Review, has a direct interest in said complaint as the owner of the property, and;

WHEREAS, to avoid a conflict of interest or the appearance of impropriety on the part of the Scarsdale’s Board of Assessment Review, City of Rye’s Board of Assessment Review has agreed to hear the complaint of Jane C. Curley and render a decision on such complaint which will be upheld by the Scarsdale Board of Assessment Review, now therefore be it;

RESOLVED, in exchange of the mutual covenants expressed the City of Rye and Scarsdale agree as follows:

1. The 2017 designated chairman of the Scarsdale Board of Assessment Review shall refer any assessment challenge or complaint made by Jane C. Curley to the City of Rye Board of Assessment Review for determination.
2. Scarsdale grants the City of Rye Board of Assessment Review the authority to hear, review and determine the 2017 assessment complaint filed by Jane C. Curley, who has challenged the 2017 tentative assessed value of her property located at 7 Hamilton Road, Scarsdale, New York.
3. Scarsdale shall abide by the City of Rye’s Board of Assessment Review’s determination of this challenge or complaint as though such determination were made by the Scarsdale Board of Assessment Review.

4. The term of this Agreement shall commence after the Agreement is fully executed, and shall expire once a final determination of the Jane C. Curley's complaint challenging the 2017 tentative assessment is made by the City of Rye Board of Assessment Review. However, in the event that a small claims assessment review petition is filed against the decision of the City of Rye Board of Assessment Review, the matter shall be defended and handled by the City of Rye Assessor until a final determination on such petition is made. If City of Rye's Board of Assessment Review deems an appraisal to be necessary, the City of Rye shall order such appraisal and the Town of Scarsdale shall reimburse the City of Rye for the cost of such appraisal. The Town of Scarsdale shall also pay the City of Rye for any and all costs in connection with the assessor's time, and for additional appraisals, if needed. Additionally, should Jane C. Curley challenge the determination made by the City of Rye's Board of Assessment Review either by small claim assessment review proceeding or a certiorari proceeding brought pursuant to Article 7 of the Real Property Tax Law, the Town of Scarsdale shall reimburse the City of Rye for any expenses incurred thereto.
5. The respective representatives of each municipality, who execute this Agreement on behalf of their respective municipal corporations, are duly authorized and empowered to execute this Agreement.
6. Any and all notices, communications, payments and demands required under this Agreement shall be made in writing, addressed as follows, or to such other address as may be hereafter designated, in writing, by each party hereto.

a. To City of Rye:

City Manager
City of Rye
1051 Boston Post Road
Rye, New York 10580

b. To Scarsdale:

Town/Village Manager
Town/Village of Scarsdale
1001 Post Road
Scarsdale, New York 10591

7. This Agreement contains the entire understanding of the parties who hereby acknowledge that there has been and are no representations, warranties, covenant or understandings other than those expressly set forth herein.
8. Neither this Agreement nor any provision hereof, shall be amended or modified, or deemed amended or modified, except by an agreement in writing duly subscribed and acknowledged by all parties to this Agreement with the same formality as this Agreement.
9. This Agreement shall be binding upon, and for the benefit of, the parties, their heirs, successors and assigns.
10. All matters affecting the interpretation of this Agreement and the rights of the parties hereto shall be governed by the laws of the State of New York.

IN WITNESS THEREOF, City of Rye and Scarsdale have agreed to the terms and conditions set forth therein.

Stephen M. Pappalardo, Village Manager

Date

Marcus Serrano, City Manager

Date

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

10. Consideration of a request by the Rye Free Reading Room for use of the Village Green on select Friday mornings in the summer from 10:00 a.m. to 11:00 a.m. for Musical Fridays with Graham Clark.

All were in favor of this request.

11. Resolution to transfer \$4,520 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.

Roll Call.

City Manager Serrano explained that this funding would be used for the relocation of the RyeTV control room at Rye High School. He reminded the Council that several months before, the school had a need to relocate certain rooms, and this is a result of that move.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

12. Adoption of the 2017/2018 tax levy and tax rate for the Rye Neck Union Free School District.

Roll Call.

Mayor Sack made a motion, seconded by Councilman Mecca, to adopt the 2017/2018 tax levy and tax rate for the Rye Neck Union Free School District.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

13. Acceptance of donation to the Rye Sustainability Committee from Sustainable CUNY in the amount of Two Hundred and Fifty (\$250.00) Dollars.
Roll Call.

Councilman Mecca made a motion, seconded by Councilman McCartney, accepting a donation to the Rye Sustainability Committee from Sustainable CUNY in the amount of Two Hundred and Fifty (\$250.00) Dollars.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

14. Resolution to declare certain City of Rye equipment as surplus.
Roll Call.

City Manager Serrano explained that the City Council was required to vote to declare items as surplus. In this case, the items were mostly obsolete technological hardware.

Councilman Mecca made a motion, seconded by Councilwoman Killian, to declare the following items as surplus:

1. Yamaha 01V 96 Audio Board # 08679289140
2. Dell PC power Edge 2900 # 00089-181-720-704
3. Surge protector # 766842
4. Scan Do # CRA2000150
5. Knox Video router # CO-037254-1-004
6. Sony DVD # 44401121-2008713
7. Sony DVD # 44401121-2008707
8. Sony DVD # 6018080
9. Sony monitor # 6016615
10. Sony GV-DV000 # 332317
11. Sony GV-DV000 # 332322
12. Trendnet TK 401B # UN08224010560
13. Sony GV-HD700 # 328771
14. Sony Monitor # 2521396
15. Tighrope Carousel # 70045-558-469-437
16. JVC svhs deck # 14211096
17. Sony monitor # 6002100

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

15. Miscellaneous communications and reports.

Mayor Sack made a statement thanking those who attended the August meeting.

16. New Business.

None

17. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney, to adjourn the meeting at 6:49 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk